CHAPTER 17

School Districts

**SECTION 59‑17‑10.** School districts as bodies politic and corporate.

 Every school district is and shall be a body politic and corporate, by the name and style of \_\_\_\_\_\_\_\_\_\_ (a descriptive name may be designated by the county board of education or legislative act) School District No \_\_\_\_\_\_\_\_\_\_ (such number may be designated by the county board of education or legislative act), of \_\_\_\_\_\_\_\_\_\_ County (the name of the county in which the district is situated), the State of South Carolina. In that name it may sue and be sued and be capable of contracting and being contracted with to the extent of its school fund and holding such real and personal estate as it may have or come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.

HISTORY: 1962 Code Section 21‑111; 1952 Code Section 21‑111; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

CROSS REFERENCES

Constitutional provision against incorporation of school districts by special law, see SC Const, Art 3, Section 34.

Exemption of academic personnel of institutions listed in this section from State Employee Grievance Procedure Act, see Section 8‑17‑370.

School districts to participate in promoting awareness of higher education options to eighth grade students and their parents, see Section 59‑103‑180.

LIBRARY REFERENCES

Schools 21.

Westlaw Key Number Search: 345k21.

C.J.S. Schools and School Districts Sections 14 to 17, 21.

RESEARCH REFERENCES

Forms

Am. Jur. Pl. & Pr. Forms Schools Section 1 , Introductory Comments.

Attorney General’s Opinions

State law does not appear to authorize school board to call for referendum concerning method of election of its members or to request county election commission to put such question on ballot of next general election. A court would likely conclude that such referendum would be of no effect. In any event, referendum could not be used to change law enacted by General Assembly absent express authorization from legislature. 1991 Op Atty Gen, No. 91‑12 p 46.

Counties and school districts are constitutionally prohibited from levying a tax only on industrial property; the tax levy must be uniformly applied to all taxable property within the political entity. 1989 Op Atty Gen, No. 89‑6, p 24.

Taxes levied and collected by a school district on property located within that district cannot be diverted or transferred to another school district. 1989 Op Atty Gen, No. 89‑18, p 50.

A school district may accept a gift of land under a quit‑claim deed; however, State funds cannot be approved for building purposes on the land unless the district has a fee simple title. 1976‑77 Op Atty Gen, No 77‑26, p 32.

It is not within the powers of a County School District to require employees to obtain tort liability insurance. 1974‑75 Op Atty Gen, No 3965, p 36.

A school district is not subject to tort liability for injuries to pupils suffered in connection with their attendance. 1974‑75 Op Atty Gen, No 3982, p 53.

A School District may not withhold any salary because of absence for military leave so long as the teacher is not absent for more than 15 days in one year engaged in military duties. 1974‑75 Op Atty Gen, No 4003, p 73.

County zoning regulations do not apply to a county school district. 1974‑75 Op Atty Gen, No 4046, p 123.

A school district has authority to employ counsel in matters concerning corporate rights and functions of a school district. 1963‑64 Op Atty Gen, No 1602 p 17.

Under Act 257, Acts of 1979, General Assembly authorized Colleton County Council to levy school taxes for Colleton County School district. Under such authority, separate school millage results and such levy may be shown on tax notices to public as school tax levy. 1993 Op Atty Gen No. 93‑38.

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Validity 1

1. Validity

1967 statute under which county school system operated did not violate equal protection clause; although statute had limited discriminatory effect in operation of schools, it had been passed without discriminatory intent, and district and each of its constituent districts were desegregated; court found that to extent the act changed educational organization of the county its changes were beneficial, especially to rural predominantly black areas of county; the General Assembly was under no duty to change existing school system to provide for more centralized teacher hiring and more centralized control over student assignments; although if Act had effected wholesale changes in attendance zones a slightly more integrated school system could have resulted, since General Assembly was not required to further expand their changes, defendants fulfilled duty to eliminate dual school system that existed in county prior to 1954. U.S. v. Charleston County School Dist., 1990, 738 F.Supp. 1513, affirmed in part, vacated in part 960 F.2d 1227, on remand 856 F.Supp. 1060.

2. In general

Stated in Bradford v. School Dist. No. 20, Charleston, S. C. (C.A.4 (S.C.) 1966) 364 F.2d 185.

A controversy as to whether authorities acted in arbitrary, capricious and unwarranted manner in suspending school teacher would be peculiarly within the jurisdiction of the courts of the State of South Carolina and not Federal courts where there was no diversity of citizenship between plaintiff and defendants. Bradford v. School Dist. No. 20, Charleston, S. C. (C.A.4 (S.C.) 1966) 364 F.2d 185.

Student’s parents who sought writ of mandamus directing school district to restore high school student’s grade point average (GPA) and class rank to the higher levels originally calculated under district’s formula for transfer students, following reduction of student’s GPA after other parent expressed concern that transferor school inflated grades, failed to present justiciable controversy; there was no evidence that district acted corruptly or in bad faith, or that it abused its power, when it recalculated student’s GPA and ranking, grade calculation was fundamental function of district, and disputes such as whose student would be valedictorian were academic disputes for district to resolve. Palms v. School Dist. of Greenville County (S.C.App. 2014) 408 S.C. 576, 758 S.E.2d 919, rehearing denied, certiorari denied. Education 782

Plaintiff’s release for all claims arising out of accident in which her automobile was struck by school bus to State of South Carolina, South Carolina State Board of Education, South Carolina Department of Education, Royal Insurance Company, their respective agents, officers, employees and their respective heirs, successors and assigns effectively released school superintendent and school district trustees, as every school district is a body of state and control and management of all school bus transportation is vested in state board of education. Camp v. Sarratt (S.C. 1987) 291 S.C. 480, 354 S.E.2d 390. Release 29(1)

Districts have no interest in trustee candidates. A school district in its corporate capacity has no interest in the success of any individual or group of candidates who may run for the office of school trustee. Paslay v. Brooks (S.C. 1941) 198 S.C. 345, 17 S.E.2d 865.

Trustees of school district receiving and using school bus, for price of which trustees executed note, which district admittedly had money to pay when due, were liable thereon in absence of fraud. Homestead Bank v. Best (S.C. 1935) 174 S.C. 522, 178 S.E. 143. Education 259

3. Contracting authority

School district trustees have authority to make contract for purchase of bus to transport children in district. Homestead Bank v. Best (S.C. 1935) 174 S.C. 522, 178 S.E. 143. Education 146

4. Sovereign immunity abolished

Doctrine of sovereign immunity from tort liability is abolished, except as to legislative, judicial, and executive bodies and to public officials who are vested with discretionary authority, for action taken in their official capacities. Doctrine abolished retroactively as to cases currently pending or filed on or before July 1, 1986, providing defendant has liability insurance and also providing recovery not exceed limits of liability insurance. [Overruled are prior cases which held that it was not the intention of the legislature that this section (Code 1962 Section 21‑111) waived sovereign immunity or make school districts liable for torts, see Graham v Charleston County School Bd. (1974) 262 SC 314, 204 SE2d 384, and Sherbert v School Dist. (1933) 169 SC 191, 168 SE 391] McCall v Batson (1985) 285 SC 243, 329 SE2d 741.

5. Employment of counsel

The capacity to sue and be sued carries with it all powers that are ordinarily incident to the prosecution or defense of an action at law or a suit in equity, including the power to employ counsel. But a school district having the capacity to sue and be sued and the authority to contract has no right to exercise the power of employing counsel, except in matters relating to its corporate rights or functions. It necessarily follows that a school district is without power to employ counsel and to pay his compensation out of public funds in matters not involving the interests of the schools of the district. Paslay v. Brooks (S.C. 1941) 198 S.C. 345, 17 S.E.2d 865.

**SECTION 59‑17‑20.** Alteration or division of school districts.

 Unless otherwise expressly provided, the school districts of the various counties shall not be altered or divided except:

 (1) By act of the General Assembly relating to one or more counties; or

 (2) By authorization of the county boards of education under the following conditions:

 (a) With the written approval of the Senator and the entire house legislative delegation from the county involved;

 (b) Upon a written petition, signed by at least four fifths of the qualified electors embraced within the limits of each of the school districts involved, which shall state plainly to the county board of education the action petitioned and shall also bear the signed certificate of the members of the county board of registration that the number of electors who signed the petition represent at least four fifths of the qualified electors embraced within the limits of each of the school districts involved; or

 (c) Upon the written petition, signed by at least one third of the qualified electors embraced within the limits of each of the school districts involved, which shall state primarily the action petitioned and shall bear the signed certificate of the members of the county board of registration that the number of the electors who signed the petition represent at least one third of the qualified electors embraced within the limits of each of the school districts involved; if such consolidation be approved favorably by a majority of the qualified electors of each of the school districts involved at an election called by the county board of education for the purpose.

HISTORY: 1962 Code Section 21‑112; 1952 Code Section 21‑112; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504; 1951 (47) 546.

LIBRARY REFERENCES

Schools 31.1.

Westlaw Key Number Search: 345k31.1.

C.J.S. Schools and School Districts Sections 26, 30.

Attorney General’s Opinions

Discussion of the effect of a merger of Daniel Island with Charleston County. S.C. Op.Atty.Gen. (Feb. 28, 2014) 2014 WL 1398585.

Written approval of delegation is not requirement that must be met before county board can divide school district into two or more new districts if conditions set forth in Section 59‑17‑20(2)(b) or (2)(c) have been satisfied. 1993 Op Atty Gen No. 93‑36.

Provisions of Section 59‑17‑20(2)(c) apply to division of existing school district into two or more school districts. 1993 Op Atty Gen No. 93‑36.

Persons purged from registration list should not be counted for purposes of determining qualified electors under Section 50‑17‑20. However, persons deleted because of their voting record may be reinstated to lists upon their requests as provided under applicable state law. 1993 Op Atty Gen No. 93‑36.

One‑third of qualified electors in entirety of Beaufort County must sign petition under Section 59‑17‑20(2)(c). 1993 Op Atty Gen No. 93‑36.

County board of education is not required to form new district even when petition requirements are fulfilled. 1993 Op Atty Gen No. 93‑36.

Because county board of education is not required to divide school district even if referendum passes, it is not required to hold referendum on issue. If referendum is scheduled, there does not appear to be any statutory restriction as to when it must be held. 1993 Op Atty Gen No. 93‑36.

The bonds of a school district from which a small area is detached would in all probability not be impaired by the detachment because the statute authorizing the boundary change was in existence when the bonds were issued and the tax value of the taxable property in the district has increased. 1988 Op Atty Gen, No. 88‑20, p 68.

A county board of education may alter school district lines with approval of their legislative delegations or upon written petitions meeting statutory standards, or by act of the General Assembly. 1983 Op Atty Gen, No. 83‑35, p. 54.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Turner v Joseph Walker School Dist. (1949) 215 SC 472, 56 SE2d 243. Boatwright v McElmurray (1966) 247 SC 199, 146 SE2d 716.

Applied in Matthews v Lynch (1918) 110 SC 63, 96 SE 494. Waterloo School Dist. v Cross Hill School Dist. (1917) 106 SC 292, 91 SE 257.

For additional related cases, see Hildebrand v High School Dist. (1927) 138 SC 445, 136 SE 757. Walker v Bennett (1923) 125 SC 389, 118 SE 779. Gallishaw v Jackson (1914) 99 SC 342, 83 SE 454. Aiken County v Murray (1892) 35 SC 508, 14 SE 954. State ex rel. Russell v Bacon (1889) 31 SC 120, 9 SE 765.

1962 Code Section 21‑114.1 provides an additional method by which school districts might be consolidated. Williams v. Marion County Bd. of Ed. (S.C. 1959) 234 S.C. 273, 107 S.E.2d 640.

It is not necessary to comply with both paragraphs (a) and (b) of item (2) of this section [Code 1962 Section 21‑112] in order to lend legality to the creation of a district. Williams v. Marion County Bd. of Ed. (S.C. 1959) 234 S.C. 273, 107 S.E.2d 640.

Two methods are provided in this section [Code 1962 Section 21‑112] for the alteration, consolidation, and division of school districts of the various counties. Williams v. Marion County Bd. of Ed. (S.C. 1959) 234 S.C. 273, 107 S.E.2d 640.

Quoted in Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

For case dealing with appeals to the State Board of Education under 1952 Code Sections 21‑46 and 21‑103, see Patrick v. Maybank (S.C. 1941) 198 S.C. 262, 17 S.E.2d 530.

While a new school district may not be created without the necessary petition being made, yet the county board is not required, even when such petition is made, to form the new district. Kearse v. Lancaster (S.C. 1934) 172 S.C. 59, 172 S.E. 767.

Under one of the provisos in this section, [Code 1962 Section 21‑112] a county board of education is without authority and jurisdiction to consolidate two school districts, in the absence of a petition of at least one third of the qualified voters. Mills v. State Board of Education of South Carolina (S.C. 1932) 167 S.C. 429, 166 S.E. 500. Education 52(3)

Proviso of constitutional amendment exempting Lexington County therefrom, and providing that General Assembly might fix area of school districts in such county, did not affect existing statute limiting area of school districts. Kyzer v. Dent (S.C. 1931) 163 S.C. 403, 161 S.E. 690. Education 33

This section [Code 1962 Section 21‑112] precludes the county board of education from creating a new school district, where the requisite number of qualified voters of one of the districts included in the proposed consolidation did not petition therefor. School Dist. No. 60 of Williamsburg County v. Montgomery (S.C. 1929) 150 S.C. 391, 148 S.E. 218. Education 52(3)

Persons signing a petition opposing the consolidation of a school district were “qualified voters” of the district within this section [Code 1962 Section 21‑112], though registered outside of the district. Watson v. Spartanburg County Board of Education (S.C. 1927) 141 S.C. 347, 139 S.E. 775. Education 53

Districts may not be consolidated except on the petition of the required number of voters of each district. Goggans v. State Board of Education (S.C. 1925) 133 S.C. 183, 130 S.E. 645. Education 52(3)

**SECTION 59‑17‑30.** Effect of alteration or division of school districts on bonds or payment for buildings of existing districts.

 When any school district laid out under Section 59‑17‑20 shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, by special taxation or by donation, all the territory included in such school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein.

HISTORY: 1962 Code Section 21‑113; 1952 Code Section 21‑113; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

LIBRARY REFERENCES

Schools 41(1).

Westlaw Key Number Search: 345k41(1).

Attorney General’s Opinions

Discussion of the effect of a merger of Daniel Island with Charleston County. S.C. Op.Atty.Gen. (Feb. 28, 2014) 2014 WL 1398585.

**SECTION 59‑17‑40.** Alteration or division of school districts; consolidated district for entire county and district formed from two or more counties.

 All of the school districts of any county may be consolidated into a single school district embracing the entire county in the manner provided by Section 59‑17‑20 for the alteration or division of school districts, and, whenever territory embraced in two or more counties is proposed to be formed into one school district, such district may be formed by the joint action of the boards of education of the respective counties as provided in Section 59‑17‑20 for the formation of school districts in a county.

HISTORY: 1962 Code Section 21‑114; 1952 Code Section 21‑114; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

LIBRARY REFERENCES

Schools 33.

Westlaw Key Number Search: 345k33.

C.J.S. Schools and School Districts Sections 18, 67.

Attorney General’s Opinions

School districts crossing county lines may be created administratively or by statute. 1966‑67 Op Atty Gen, No 2360, p 201.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Boatwright v. McElmurray (S.C. 1966) 247 S.C. 199, 146 S.E.2d 716.

Powers conferred by Code 1962 Sections 21‑111 to 21‑114 not superseded or repealed. The powers vested in the county boards of education by Code 1962 Sections 21‑111 to 21‑114, including the power to create, by the joint action of the boards of education of the counties involved, a school district embracing territory in two or more counties, are preserved, and were not superseded or repealed by the 1951 General Appropriation Act [1951 (47) 546]. Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

The formation of a school district comprising parts of two counties or the consolidation of school districts lying in different counties must be approved by both county boards of education. Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

**SECTION 59‑17‑50.** Consolidation of schools and school districts by county board of education.

 A county board of education may consolidate schools and school districts, in whole or in part, whenever, in its judgment, such consolidation will promote the best interests of the cause of education in the county.

HISTORY: 1962 Code Section 21‑114.1; 1952 Code Section 21‑114.1; 1951 (47) 546.

CROSS REFERENCES

Filing order of consolidation, see Section 59‑17‑60.

LIBRARY REFERENCES

Schools 33.

Westlaw Key Number Search: 345k33.

C.J.S. Schools and School Districts Sections 18, 67.

Attorney General’s Opinions

Districts previously created by statute may be consolidated. A county board of education may consolidate school districts which have previously been created by statute. 1966‑67 Op Atty Gen, No 2342, p 173.

A county board of education may consolidate school districts of the county by action of the board without other procedure. 1964‑65 Op Atty Gen, No 1823, p 77.

NOTES OF DECISIONS

In general 1

1. In general

This section [Code 1962 Section 21‑114.1] does not repeal or alter previously existing law with respect to altering, dividing or consolidating school districts within the county but provides an additional method by which school districts might be consolidated. Williams v. Marion County Bd. of Ed. (S.C. 1959) 234 S.C. 273, 107 S.E.2d 640. Education 34; Education 48

The effect of this section is to enlarge the powers previously given to county boards of education by enabling them to consolidate school districts without a petition being filed or election held, and without the consent of the legislative delegation. Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

**SECTION 59‑17‑60.** Filing order of consolidation.

 When two or more districts are consolidated under the provisions of Section 59‑17‑50, the county board of education shall file a copy of the order of consolidation in the office of the clerk of court and with the State Board of Education. Such filing shall complete the consolidation of such districts for all intents and purposes.

HISTORY: 1962 Code Section 21‑114.2; 1952 Code Section 21‑114.2; 1951 (47) 546.

LIBRARY REFERENCES

Schools 37(5).

Westlaw Key Number Search: 345k37(5).

C.J.S. Schools and School Districts Sections 50 to 52.

NOTES OF DECISIONS

In general 1

1. In general

Quoted in Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

**SECTION 59‑17‑70.** Effect of consolidation.

 Upon consolidation of any two or more school districts, all property, real and personal, and all assets of the districts forming the consolidated school district shall become the property of the consolidated district and all liabilities of the consolidating districts shall become the obligations of such consolidated district. Each such consolidated district shall be a body politic and corporate and its board of trustees shall have such powers as are provided by law.

HISTORY: 1962 Code Section 21‑114.3; 1952 Code Section 21‑114.3; 1951 (47) 546.

LIBRARY REFERENCES

Schools 40.

Westlaw Key Number Search: 345k40.

C.J.S. Schools and School Districts Sections 55 to 56.

Attorney General’s Opinions

All real and personal property and all assets of the former eight school districts forming the Charleston County School District became the property of the Charleston County School District upon consolidation. S.C. Op.Atty.Gen. (March 6, 2015) 2015 WL 1266150.

NOTES OF DECISIONS

In general 1

1. In general

Upon consolidation of school districts the liabilities of the original districts shall be assumed by the consolidated district. Smythe v. Stroman (S.C. 1968) 251 S.C. 277, 162 S.E.2d 168.

Hence, this section [Code 1962 Section 21‑114.3] invalidates the special provisions of Section 11 of 1967 Act No. 340 [1967 (55) 470] which provided that the newly created Charleston County School District would not assume any of the bonded indebtedness incurred by the former school districts. Smythe v. Stroman (S.C. 1968) 251 S.C. 277, 162 S.E.2d 168.

Applied in Boatwright v. McElmurray (S.C. 1966) 247 S.C. 199, 146 S.E.2d 716.

**SECTION 59‑17‑80.** Dissolution of school districts in adjoining counties.

 Any school district formed of parts of two or more counties under the provisions of Section 59‑17‑40 may be dissolved in the same manner as that by which it may have been formed, as provided in said section.

HISTORY: 1962 Code Section 21‑116; 1952 Code Section 21‑116; 1942 Code Section 5320; 1932 Code Section 5353; Civ. C. ‘22 Section 2600; Civ. C. ‘12 Section 1739; 1910 (26) 694.

LIBRARY REFERENCES

Schools 44.

Westlaw Key Number Search: 345k44.

C.J.S. Schools and School Districts Sections 69 to 71.

78 C.J.S., Schools and School Districts Sections 59 et seq.

**SECTION 59‑17‑90.** Purposes for which school districts may combine.

 Any two or more school districts in this State may agree to provide special services, make purchases, share equipment, develop curriculum, and interchange pupils or educational services.

HISTORY: 1962 Code Section 21‑117; 1973 (58) 650.

LIBRARY REFERENCES

Schools 33.

Westlaw Key Number Search: 345k33.

C.J.S. Schools and School Districts Sections 18, 67.

**SECTION 59‑17‑100.** School districts to provide Department of Education with copies of audit reports.

 Notwithstanding any other provision of law, each school district of the State shall provide the State Department of Education each year with two copies of its audit report by December first following the close of the fiscal year.

HISTORY: 1982 Act No. 450; 1997 Act No. 108, Section 1.

CROSS REFERENCES

School district fiscal practices of concern, actions authorized, see Section 59‑20‑90.

**SECTION 59‑17‑110.** Duty of school districts to defend actions or proceedings against their employees.

 In the event that any employee of any school district in South Carolina is prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is made the duty of the school district, when requested in writing by any such public school employee, to appear and defend the action or proceeding in his behalf.

HISTORY: 1984 Act No. 512, Part II, Section 48.

LIBRARY REFERENCES

Schools 63(5).

Westlaw Key Number Search: 345k63(5).

C.J.S. Schools and School Districts Sections 141, 177 to 182, 321 to 322, 341 to 342, 346.

**SECTION 59‑17‑120.** Reissue of school bonds subject to debt service budget and debt limit.

 Bonds issued by a school district under the bonded indebtedness limitation of Article X, Section 15(7)(a) of the South Carolina Constitution and called before the maturity date only may be reissued if the amount required to service the reissuance and to pay off the called bonds does not:

 (1) increase by more than eight percent in any one year the amount of the district’s budget needed to service the original bonded indebtedness; or

 (2) exceed the debt limit of the district.

HISTORY: 1995 Act No. 55, Section 2.

LIBRARY REFERENCES

Schools 97(2).

Westlaw Key Number Search: 345k97(2).

**SECTION 59‑17‑130.** American Sign Language course; development of teacher qualifications and academic standards; satisfaction of foreign language credit requirement.

 (A) The board of trustees of a school district may grant credit as a world language to a pupil who satisfactorily has completed a high school course in American Sign Language. Beginning with the 2008‑2009 school year, American Sign Language awarded as a world language credit may be used to satisfy the foreign language credit requirement specified in Section 59‑39‑100.

 (B) The State Department of Education shall determine the required qualifications for teachers of American Sign Language and shall develop academic standards to be approved by the State Board of Education.

 (C) Nothing in this section may be construed to require South Carolina four‑year colleges or universities to accept courses in American Sign Language to meet the foreign language admissions requirements set by the institution.

HISTORY: 1996 Act No. 344, Section 1; 2006 Act No. 326, Section 1, eff June 1, 2006.

Effect of Amendment

The 2006 amendment rewrote this section.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑17‑135.** Character education.

 (A) The General Assembly finds:

 (1) the schools of South Carolina must provide the safest environment possible for students to learn;

 (2) teaching positive character traits is essential to improving the learning environment, promoting student achievement, reducing disciplinary problems, and developing civic‑minded students;

 (3) schools must be encouraged to instill the highest character and academic excellence in each student, in close cooperation with the student’s parents; and

 (4) elected officials, community and civic leaders, business leaders, religious institutions, youth organizations, government, media, and citizens‑at‑large must be encouraged to become actively involved in creating an atmosphere which encourages positive character development through every sector of the community.

 (B) Each local school board of trustees of the State must develop a policy addressing character education. Any character education program implemented by a district as a result of an adopted policy must, to the extent possible, incorporate character traits including, but not limited to, the following: respect for authority and respect for others, honesty, self‑control, cleanliness, courtesy, good manners, cooperation, citizenship, patriotism, courage, fairness, kindness, self‑respect, compassion, diligence, good work ethics, sound educational habits, generosity, punctuality, cheerfulness, patience, sportsmanship, loyalty, and virtue. Local school boards must include all sectors of the community, as referenced in subsection (A)(4), in the development of a policy and in the development of any program implemented as a result of the policy. As part of any policy and program developed by the local school board, an evaluation component must be included.

 (C) Beginning with the 2000‑2001 school year, each school district board of trustees is encouraged to require students in the public schools under the jurisdiction of the board to exhibit appropriate conduct, as required in subsection (D) of this section.

 (D) When a public school student is speaking with a public school employee while on school property or at a school sponsored event, the student may be encouraged to address and respond to the public school employee by using terms indicative of or reflecting courtesy and respect for a public school’s employees position of authority including, but not limited to, sir, ma’am, thank you, and please.

 (E) Each school district board of trustees is encouraged to provide for incorporation of the requirements of subsections (C) and (D) into any existing discipline policy or policies or any code of conduct of the school district or of each school within its jurisdiction.

 (F) No school board may provide suspension or expulsion from school as an appropriate punishment for violation of subsection (D).

 (G) Upon request, the State Department of Education must provide to the school districts of the State information on currently available programs, curriculums, and resources. In addition, the State Department of Education must provide to the school districts of the State information on best practices and successful programs currently being implemented.

HISTORY: 2001 Act No. 4, Section 8; 2005 Act No. 88, Section 2, eff May 27, 2005.

Effect of Amendment

The 2005 amendment, in subsection (B), in the second sentence substituted “respect for authority and respect for others” for “respect for others” and added “good work ethics, sound educational habits,”.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑17‑140.** Religion and public schools training for teachers and administrators.

 (A) Effective July 1, 2001, each school district during annual in‑service training shall provide a program of instruction for teachers and administrators in the essentials of constitutional protections and prohibitions as they relate to religion and public school operations. Subjects shall include, but not be limited to:

 (1) student prayers;

 (2) graduation prayers and baccalaureates;

 (3) participation in or encouragement of religious activity by school officials;

 (4) religion in school curriculum;

 (5) religious content in student assignments;

 (6) distribution and use of religious literature;

 (7) student participation in religious events before and after school;

 (8) religious persuasion versus religious harassment;

 (9) religious holidays;

 (10) permitted absences from objectionable lessons in religion;

 (11) released time for religious instruction;

 (12) teaching values;

 (13) religious attire;

 (14) Federal Equal Access Act;

 (15) Federal Religious Freedom Restoration Act;

 (16) South Carolina Religious Freedom Act;

 (17) other statutory and constitutional provisions regarding the establishment of religion and free exercise thereof, as they relate to a public school context;

 (18) instruction on how to access legal advice concerning the establishment of religion and free exercise thereof in a public school context; and

 (19) instruction on how to access the State Department of Education’s guidelines on religion and the public schools on the department’s website.

 (B) Once a teacher or administrator has completed the program of instruction contained in this section, it is not necessary that they participate in the same program of instruction on an annual basis. However, such teachers and administrators who have completed the program of instruction shall annually participate in instruction regarding updates and new developments in the subject matter contained in this section.

HISTORY: 2001 Act No. 4, Section 7C.

LIBRARY REFERENCES

Schools 165.

Westlaw Key Number Search: 345k165.

C.J.S. Schools and School Districts Section 781.

**SECTION 59‑17‑150.** Promotion of walking or bicycling to school safety.

 (A) Municipal and county governing bodies shall work with school districts located in their jurisdictions to identify barriers and hazards to children walking or bicycling to and from school. The municipalities, counties, and districts may develop a plan for the funding of improvements designed to reduce the barriers and hazards identified. The sources of these funds may include federal funding or grants, state funding, or funding from private sources. Nothing in this section shall obligate any agency of federal, state, or local government to provide funding for identified improvements.

 (B) Each school district in this State may establish a Safe Routes to School District Coordinating Committee. The coordinating committee shall include parents, children, teachers, administrators, local law enforcement officials, public health officials, interested citizens, and other persons familiar with the transportation needs of the school district. Duties of the coordinating committee may include gathering information about the schools in the district through surveys and traffic counts; organizing incentive‑based events and contests to encourage students to try new modes of transportation; and promoting the program through school newsletters, assemblies, web sites, and other means to reach parents and students.

 Any school within the district may establish a Safe Routes to School Team. The team shall include parents, children, teachers, administrators, and neighbors of the school. The team may be expanded to include local law enforcement officials, public health officials, and other persons familiar with the transportation needs of the school. The team shall select a representative to serve on the District Coordinating Committee. Duties of the team may include gathering information about their school through surveys and traffic counts; organizing incentive‑based events and contests to encourage students to try new modes of transportation; and promoting the program through school newsletters and other means to reach parents and students.

 (C) The first Wednesday of October of each year is designated as “Walk or Bicycle with Your Child to School Day” in each school district of this State to promote walking or riding bicycles to school by students, with escorts if necessary, and to identify needed improvements such as sidewalks or safer pedestrian routes not open to vehicular traffic.

HISTORY: 2004 Act No. 307, Section 2, eff September 8, 2004.

**SECTION 59‑17‑155.** Automated external defibrillator program; immunity from civil liability; state contract for purchase of defibrillators.

 (A) Subject to appropriations by the General Assembly, each school district shall develop and implement an automated external defibrillator program meeting the requirements of Chapter 76 of Title 44 of the 1976 Code for each high school in the district. The program must include provisions that:

 (1) require an operational automatic external defibrillator on the grounds of the high school;

 (2) require all persons who are reasonably expected to use the device to obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of an automated external defibrillator. The school district superintendent, or the superintendent’s designee, shall determine who is reasonably expected to use the device;

 (3) establish guidelines for periodic inspections and maintenance of the defibrillators; and

 (4) define the purpose of the program and the manner in which the program will operate.

 (B)(1) Any person or entity acting in good faith and gratuitously shall be immune from civil liability for the use of an automated external defibrillator unless the person was grossly negligent in the use.

 (2) Any designated automated external defibrillator user meeting the requirements of Section 44‑76‑30(1) and acting according to the required training shall be immune from civil liability for the application of an automated external defibrillator unless the application was grossly negligent.

 (3) A person or entity acquiring an automated external defibrillator and meeting the requirements of Section 44‑76‑30 or an automated external defibrillator liaison meeting the requirements of Section 44‑76‑30 shall be immune from civil liability for the use of an automated external defibrillator by any person or entity described in items (1) or (2) of this subsection.

 (4) A prescribing physician shall be immune from civil liability for authorizing the purchase of an automated external defibrillator, unless the authorization was grossly negligent.

 (C) Any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training for use if the:

 (1) person or entity has provided the training in accordance with the guidelines and policies of a national training organization, as defined in Section 44‑76‑30(1);

 (2) person providing the training is authorized to deliver that course or curriculum; and

 (3) training delivery was not grossly negligent.

 (D) The Department of Administration may establish a state contract for the purchase of automated external defibrillators.

HISTORY: 2008 Act No. 278, Section 1, eff June 5, 2008, first applies for the 2008‑2009 school year.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.